

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION**

**FIELDING VAUGHN KIMERY
ADC #133741**

PLAINTIFF

vs.

4:20CV00473-SWW-JJV

DEXTER PAYNE; *et al.*

DEFENDANTS

ORDER

The Court has reviewed the Proposed Findings and Recommended Disposition submitted by United States Magistrate Judge Joe J. Volpe. No objections have been filed, but the Court has carefully reviewed Plaintiff's recent filing (Doc. No. 128) docketed as a motion to renew, which reproduces Plaintiff's opposition to summary judgment and copies of grievances, among other documents. After careful consideration and a review of pertinent parts of the record, the Court concludes that the Proposed Findings and Recommended Disposition should be, and hereby is, approved and adopted in its entirety as this Court's findings in all respects.

IT IS, THEREFORE, ORDERED that:

1. Defendants' Motion for Summary Judgment for failure to exhaust administrative remedies (Doc. No. 112) is GRANTED.
2. Plaintiff's claims against Defendants are DISMISSED without prejudice for failure to exhaust administrative remedies.
3. This case is DISMISSED.

4. Plaintiff's Motion to Renew (Doc. No. 128) is MOOT.

5. The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis* appeal from any Order adopting these recommendations and accompanying Judgment would not be taken in good faith.

DATED this 2nd day of June, 2021.

/s/Susan Webber Wright
UNITED STATES DISTRICT JUDGE